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REPORT OF THE SECRETARY-GENERAL PREPARED PURSUANT TO RESOLUTIONS 1160 (1998), 1199 (1998) AND 1203 (1998) OF THE SECURITY COUNCIL

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998 and 1203 (1998) of 24 October 1998 and covers the period since my previous report of 3 October 1998 prepared pursuant to resolutions 1160 (1998) and 1199 (1998) (S/1998/912).

II. SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 1160 (1998)

2. As of 31 October 1998, in addition to the 53 States listed in my earlier reports (S/1998/608, S/1998/712, S/1998/834 and S/1998/912), Israel reported to the Security Council Committee established pursuant to resolution 1160 (1998), in accordance with paragraph 12 of that resolution, on steps taken to give effect to the prohibitions imposed by the resolution. In a note verbale dated 3 November 1998, the Permanent Mission of Austria to the United Nations, on behalf of the European Union, transmitted to the Chairman of the Committee the third special report from the European Community Monitoring Mission containing its observations pertaining to the Committee's mandate.

3. At its fourth meeting, on 15 October 1998, the Committee considered information gathered by the Secretariat from public sources on violations of the prohibitions imposed by resolution 1160 (1998) in conjunction with information of the same nature received from relevant regional organizations. The Committee acknowledged that concentrated efforts by States were needed for the effective implementation of the arms embargo, especially by those countries neighbouring the Federal Republic of Yugoslavia. The Committee authorized its Chairman, Celso L. N. Amorim (Brazil), to renew his appeal to those States that had not yet fulfilled their obligations under paragraph 12 of Security Council resolution 1160 (1998) to adopt the necessary measures as soon as possible and to inform the Committee accordingly. States, as well as international and regional organizations, were urged to provide to the Committee information that might be available to them concerning violations or suspected violations of the imposed prohibitions. The appeal was addressed especially to States in the

region, as well as to other States that could play a significant role in achieving the objectives of resolutions 1160 (1998) and 1199 (1998).

III. COMPREHENSIVE REGIME TO MONITOR THE IMPLEMENTATION OF THE PROHIBITIONS IMPOSED BY SECURITY COUNCIL RESOLUTION 1160 (1998)

4. The first consultative meeting of organizations participating in the comprehensive monitoring regime was convened at United Nations Headquarters in New York on 19 October 1998. Representatives from the Danube Commission, the European Union, the North Atlantic Treaty Organization (NATO), the Organization for Security and Cooperation in Europe (OSCE), the Western European Union and the Secretariat exchanged information on the monitoring of the prohibitions established by resolution 1160 (1998) and addressed practical issues arising in that regard. The participants also met with the Chairman of the Security Council Committee established pursuant to resolution 1160 (1998), with whom they discussed their contributions to the monitoring of the arms embargo.

IV. SITUATION IN KOSOVO

5. This section of the report is based on information provided by the Chairman-in-Office of OSCE (annex I), the European Union, NATO (annex II), the Kosovo Diplomatic Observer Mission and individual Member States. It also draws upon the report of a United Nations mission to the Federal Republic of Yugoslavia that visited the region from 17 to 27 October 1998 (hereinafter referred to as the United Nations mission; see sect. V), as well as contributions provided by the Office of the United Nations High Commissioner for Refugees and the United Nations High Commissioner for Human Rights.

Political framework

6. The accord reached by the President of the Federal Republic of Yugoslavia, Slobodan Milosevic, and the United States Special Envoy, Richard Holbrooke, on 13 October 1998 (see S/1998/953, annex), as well as the agreements signed in Belgrade on 15 October 1998 between the Federal Republic of Yugoslavia and NATO, and on 16 October 1998 between the Federal Republic of Yugoslavia and OSCE, have contributed towards defusing the immediate crisis situation in Kosovo and have created more favourable conditions for a political settlement.

7. The authorities of the Federal Republic of Yugoslavia welcomed the Agreement of 16 October establishing the Kosovo Verification Mission and indicated their readiness to cooperate fully with the Mission. They pledged to ensure full freedom of movement for the Kosovo Verification Mission monitors and undertook to inform them of possible dangers. The Minister of the Interior of Serbia, in particular, indicated the Government's intention to inform the Mission promptly of all incidents that might occur in the region excluding, however, incidents that the authorities might classify as "criminal activity".

8. Government officials informed the United Nations mission that they were considering holding elections in Kosovo in about nine months. The Kosovo

Executive Council, that is, the local administration established by the Government, had recently became functional, albeit with no Kosovo Albanian participation. The Deputy Prime Minister of the Federal Republic of Yugoslavia indicated to the United Nations mission the need for joint national and international efforts to address the humanitarian situation in Kosovo and pledged to promote active cooperation with humanitarian organizations on the ground to that end.

9. The Kosovo Albanian leaders, in their contacts with the United Nations mission, expressed reservations about the 13 October accord and the 16 October agreement, although they appreciated the fact that Kosovo was no longer considered to be exclusively an internal problem of the Federal Republic of Yugoslavia. They still insisted on their right to self-determination and signalled their continuing wish for an international armed presence on the ground.

10. The position of Kosovo Albanian paramilitary units remained unclear. The authorities of the Federal Republic of Yugoslavia expressed concern that members of those units might try to provoke the police and military in Kosovo and trigger a reaction from the Government. The Kosovo Albanian leaders indicated, with various degrees of certainty, that Kosovo Albanian paramilitary units would respect the 13 October accord by and large. Nonetheless, they could not rule out the possibility that some small splinter armed groups might continue attacks, thus giving the authorities of the Federal Republic of Yugoslavia a pretext for violent retaliation.

Recent military situation

11. Both the parties to the conflict and the international observers on the ground acknowledge that the military situation has stabilized recently and that, despite some serious but isolated incidents, there has been no major fighting since 1 October. Many local people indicated to the United Nations mission that the situation had improved in the two weeks following the ceasefire, although several villages had reportedly been destroyed recently by the Serbian police. Tensions persist, however, in many areas dominated by Kosovo Albanian paramilitary units, with guerrilla-style attacks on police and military positions and frequent reports of sporadic gunfire exchanges and shelling by Government forces.

12. Between 28 September and 19 October 1998, the Ministry of the Interior reported a total of 117 attacks of varying intensity, in which a total of 10 policemen were killed and 22 were injured. Seven members of the Yugoslav army were also reported killed and two injured during the incidents. The demarcation between police and Kosovo Albanian paramilitary units was not always clear at the time of the visit of the United Nations mission; in some cases their respective positions were only several hundred metres apart. Accordingly, in almost all cases, it was difficult to determine which side had initiated hostilities.

13. Recent attacks by Kosovo Albanian paramilitary units have indicated their readiness, capability and intention to actively pursue the advantage gained by the partial withdrawal of the police and military formations. Reports of new

weapons, ammunition and equipment indicate that the capacity of those units to resupply themselves is still fairly good.

14. The army and police presence in Kosovo has been significantly reduced since early October. The presence and disposition of the remaining Government forces indicate a strategy based on containing pockets of resistance and on control of high ground and the main arterial routes in areas dominated by Kosovo Albanian paramilitary units. Tripwires and anti-personnel mines have reportedly been laid at the approaches to some police positions as an early warning measure. Since 27 October, there has been a continued withdrawal of the Serbian security forces from Kosovo and numerous checkpoints and fortified positions have been dismantled. The Serbian police retain control over key roads. Mobile police checkpoints have been established on major roads in some areas.

15. Kosovo Albanian paramilitary units are asserting their own authority to supplant that of the Serbian police in areas from which the police have withdrawn, and have established their own checkpoints on a number of secondary roads.

16. While the ceasefire is generally holding, there are continued reports of sporadic violations, including armed provocations against police and police harassment of ethnic Albanians. The presence of Kosovo Albanian paramilitary units is reportedly on the increase in several areas, and they appear to be responsible for some of the reported violations, including attacks on civilians. Serbian police raised security measures around a coal mine and power plant outside Pristina following an attack by Kosovo Albanian paramilitary units on 3 November in which three Serbian workers were injured.

17. Kosovo Albanian paramilitary units denied access to Kosovo Diplomatic Observer Mission teams to some areas, requesting a letter from their political representative. On 5 November, a clearly marked OSCE vehicle was fired on as it drove close behind a Federal Republic of Yugoslavia military convoy between Suva Reka and Stimlje.

Security

18. The overriding concern of both ethnic Serbs and Albanians is the security of their families. While the Serbian authorities told the United Nations mission that they needed a large police presence in designated parts of Kosovo to protect ethnic Serbs living in the province and to ensure that at least main highways remained safe and free for travel, the Kosovo Albanian representatives stated that police units were used as another arm of the military, intent on intimidating local Albanians. Police and military personnel have occupied some village homes, making their owners' return impossible. Furthermore, many deserted villages have a presence of some five to eight police, who remain purportedly to prevent or give early warning of attempts by Kosovo Albanian paramilitary units to reoccupy territory previously taken by Government forces. This presence was cited almost universally by the internally displaced persons as the primary reason for people not returning to their homes.

19. Government authorities informed the mission that they had established local police units with Kosovo Albanian participation in some 100 "secured" villages.

The only ethnic Albanian police officers met by the mission were three elderly officers involved in food distribution near Dakovica.

Humanitarian situation

20. As of mid-October, the United Nations High Commissioner for Refugees (UNHCR) estimated that some 200,000 persons were still displaced inside Kosovo. The number of people who had fled to other areas was estimated at 42,000 in Montenegro, 20,500 in Albania, 3,000 in the former Yugoslav Republic of Macedonia, 10,000 in Bosnia and Herzegovina and some 20,000 in Serbia. In 11 European countries recently surveyed by UNHCR, the total number of applications by asylum-seekers from the Federal Republic of Yugoslavia increased from 11,000 in the first quarter of 1998 to 28,000 in the third. Some 80 to 90 per cent of the applicants are asylum-seekers from Kosovo.

21. Significant progress was made in the return of displaced persons in Kosovo following the ceasefire and the 13 October accord. UNHCR estimates that up to 50,000 people have returned to their original villages, including 2,000 internally displaced persons from Montenegro. Since the military withdrawal on 27 October, thousands of displaced persons have returned to their villages. Many of the returnees whose houses were intact indicated that they would stay and would shelter neighbours who had lost their homes. Others are repairing homes to bring back their families. In some areas, villagers were preparing to plant the winter crop of wheat. Although there were some reports of harassment and obstruction by security forces, most returnees encountered few problems.

22. As of mid-October, people living in the open presented one of the major concerns to the international community. Of the 10,000 internally displaced persons estimated to be living under plastic sheeting before the 27 October military withdrawal, almost all had either returned to their villages or were staying with host families. There were still, however, a number of villages that remained deserted.

23. There are still many displaced families remaining with host families and in towns that have been untouched by the hostilities. This, in turn, has created problems. In many towns private dwellings are packed to three or four times their normal capacity, creating serious sanitary hazards.

24. UNHCR estimates that there are some 20,000 damaged houses, of which approximately 60 per cent are currently inhabitable. From 2 to 4 November, United Nations agencies, non-governmental organizations and the Kosovo Diplomatic Observer Mission conducted a village-by-village survey in order to get an accurate picture of the number of returnees and the condition of houses. The results of the survey are expected to help aid agencies in planning emergency shelter assistance and relief supplies. Preliminary indications are that some 370 villages have suffered varying degrees of damage. UNHCR, together with non-governmental organizations, is currently distributing 3,000 emergency shelter kits, pending a more systematic distribution of shelter materials upon completion of the inter-agency survey.

25. Access by humanitarian agencies to internally displaced persons has generally improved since the time of my previous report, although delays in

obtaining entry visas from the authorities of the Federal Republic of Yugoslavia for their staff and difficulties in obtaining radio licences persist.

26. The encouraging response from donors to the current United Nations Consolidated Inter-agency Appeal for Humanitarian Assistance to Kosovo has enabled United Nations humanitarian agencies to step up emergency assistance to the victims of the conflict. From 28 October to 4 November, UNHCR escorted multi-agency convoys that delivered relief aid for 208,700 people in various parts of Kosovo. Supplies came from UNHCR, the World Food Programme (WFP), Mercy Corps International, Children's Aid Direct, Catholic Relief Services and Oxfam. Convoys are currently running three times a day, six days a week.

27. The initiative of the authorities of the Federal Republic of Yugoslavia to establish distribution centres throughout Kosovo has been welcomed by United Nations agencies as a constructive step. However, many potential beneficiaries interviewed by the mission stressed that the decision to delegate management of the centres to the local police is likely to dissuade Albanian internally displaced persons from taking advantage of such facilities. In line with the United Nations principle that assistance should be delivered where it is most needed, most agencies have so far opted to continue to distribute aid mainly through the Mother Teresa Society, which has a wide network and enjoys the trust of the Albanian population. Since it is questionable whether any Serb in need in Kosovo would be in a position to use the Albanian-managed Mother Teresa centres, assistance to needy Serbs is channelled through the Yugoslav Red Cross Society.

28. The situation of refugees and internally displaced persons in Montenegro, which hosts the biggest number of internally displaced persons outside Kosovo, remains of concern. The decision by the Government of Montenegro to close its border to internally displaced persons from Kosovo on 11 September is still in force. The authorities have justified this decision on economic and security grounds, voicing particular concern about potential destabilization in Montenegro as a result of the situation in Kosovo.

29. With almost half of the Montenegrin population living under the poverty line and with refugees and internally displaced persons comprising up to 12 per cent of the total population, Montenegro may indeed face a lack of capacity to cope with the problem. Economic sanctions against the Federal Republic of Yugoslavia and the general downturn in Montenegro's economy have made it virtually impossible for the Government, through the local Red Cross, to continue on its own to provide comprehensive assistance to the 42,000 new arrivals from Kosovo, in addition to a refugee caseload of 25,000 from the former Yugoslavia. However, considerable assistance is being provided by the international community to these persons.

30. A recent assessment mission by the Food and Agriculture Organization of the United Nations (FAO) to the Federal Republic of Yugoslavia concluded that the conflict in Kosovo was affecting the agricultural sector through uncertain access by returnees to their land, the collapse of local cereal production, a shortage of farming equipment and a decline in livestock. FAO will appeal for essential agricultural inputs to enable basic food production activities.

Mines

31. There have been many reports of mines being laid in Kosovo by both the Government forces and the Kosovo Albanian paramilitary units. The Deputy Chief of the General Staff of the Federal Republic of Yugoslavia asserted that the Yugoslav army had laid mines only on the borders with Albania and the former Yugoslav Republic of Macedonia, but not in the interior; that they were properly and accurately recorded in accordance with international conventions; and that the army was in a position to lift all mines without the assistance of the United Nations or other agencies. There are, however, some reports of small protective minefields being laid by police around their positions in central Kosovo. Reports of mined areas in the territories dominated by Kosovo Albanian paramilitary units are mostly undetailed.

32. Landmines and booby traps are becoming a growing problem in Kosovo, both for displaced persons returning to their homes and for humanitarian personnel. As internally displaced persons returned to their villages, several people were reportedly killed by anti-personnel mines or booby traps laid around houses, buildings and wells. Vehicle mines are also present on a number of dirt roads in the province. The reported presence of mines has restricted humanitarian access in several areas. This situation will be exacerbated by the onset of winter, when snow will cover traces of landmine locations. Humanitarian agencies have asked local communities to seek the assistance of Kosovo Albanian paramilitary units in removing landmines in the areas that they control. Efforts are under way to train relief staff in mine awareness and first aid. In the absence of a technical mine survey mission, the general uncertainty regarding mined areas poses a particular threat.

Human rights

33. The Office of the United Nations High Commissioner for Human Rights continues its monitoring presence in Kosovo and reports regularly to the United Nations High Commissioner for Human Rights and the Special Rapporteur of the Commission on Human Rights, Jiri Dienstbier. From 21 to 29 October, the Special Rapporteur conducted his third visit to the Federal Republic of Yugoslavia. His report on human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia, including Kosovo, is contained in documents A/53/322 and Add.1.

34. Reports on the situation of human rights are consistent with the categories of serious violations of human rights that have characterized the crisis in Kosovo for many months. The human rights situation appears not to have changed significantly since the signing of the 16 October agreement. Violations have been attributed to Serbian security forces, Kosovo Albanian paramilitary units and village defence groups. Retaliatory and armed action, torture and ill-treatment, arbitrary detention, forced disappearances, harassment and discriminatory treatment are widely reported.

35. Religious and cultural monuments have been damaged and vandalized, both in conflict-affected areas and in urban areas where no fighting has taken place. In discussions with the Special Rapporteur and the staff of the Office of the United Nations High Commissioner for Human Rights, Government representatives in

Pristina confirmed that in some locations Government forces had been responsible for deliberate and retaliatory destruction of property owned by Kosovo Albanians. Returning internally displaced persons and Government officials have also confirmed the practice of the "screening" of internally displaced persons, in which men are separated from women and children and then held for questioning for periods ranging from hours to several days. It is reported that many of those detained are beaten and ill-treated during interrogation.

36. The Serbian Ministry of Justice has also confirmed that more than 1,500 persons, including 500 in absentia, are currently being investigated under suspicion of involvement in anti-state activities and in activities of the Kosovo Albanian paramilitary units. Some persons have already been convicted and sentenced. Five cases of death in custody have been reported so far. The Office of the United Nations High Commissioner for Human Rights monitors these trials, the first of which began on 22 October in Prizren. The Serbian Minister of the Interior has observed that an amnesty law can be discussed only after a political agreement has been finalized, a census and elections held, and new organs of local government subsequently formed.

37. The need for independent investigations into alleged arbitrary executions gained renewed urgency with the discovery of additional concentrations of corpses in several locations in Kosovo. The United Nations mission also received reports of alleged extra-judicial killings and massacres at Gornje Obrinje, Klecka, Golubovac, Volujak, Malisevo, Rausic, Glogovac and Gremnik. As a result of efforts by the European Union and other international organizations, including OHCHR, and initiatives by the Government of the Federal Republic of Yugoslavia, a group of Finnish forensic experts arrived in the Federal Republic of Yugoslavia on 20 October to assist the authorities in investigations into alleged arbitrary killings and mass graves. According to the Finnish Ministry for Foreign Affairs, the group also intended to carry out independent investigations as necessary. Unfortunately, the Government of the Federal Republic of Yugoslavia failed to cooperate fully with the International Tribunal for the Former Yugoslavia. A team of Tribunal officials, led by Chief Prosecutor Louise Arbour, was unable to visit Kosovo since the requested visas were not issued by the Federal Republic of Yugoslavia.

38. There are growing concerns as to the fate and whereabouts of the 140 to 150 civilians and police officers who are still missing after having been abducted by the Kosovo Albanian paramilitary units. The authorities of the Federal Republic of Yugoslavia report that 249 civilians and police have been abducted by Kosovo Albanian paramilitary units. The most recent of these cases involves two journalists of the state news agency, who went missing on 18 October; despite assurances about their well-being and imminent release, reports now indicate that they have been "sentenced" to 60 days' imprisonment. During his visit to Kosovo, the Special Rapporteur has appealed for the release of all abductees.

V. UNITED NATIONS MISSION TO THE FEDERAL REPUBLIC OF YUGOSLAVIA

39. In a statement to the press on 6 October 1998 on behalf of the Security Council, the President of the Council requested me to consider how the Secretariat might be ensured a first-hand capability to assess developments on the ground, and to continue reporting to the Council on compliance with its resolutions 1160 (1998) and 1199 (1998). In response to that request, and following consultations with the authorities of the Federal Republic of Yugoslavia, I dispatched a United Nations interdepartmental mission, headed by Staffan de Mistura, Director of the United Nations Information Centre in Rome, to the Federal Republic of Yugoslavia to look into those matters. In view of the expected deployment by OSCE of the Kosovo Verification Mission, the United Nations mission also assessed possible modalities for the coordination of activities between OSCE and United Nations agencies on the ground.

40. Between 17 and 27 October, the mission visited the Federal Republic of Yugoslavia, including Kosovo and Montenegro, as well as the OSCE secretariat in Vienna. Members of the mission met with a number of government and local officials, as well as with representatives of the Kosovo Albanian community. They also held consultations with international organizations, international and local non-governmental organizations and members of the diplomatic community in the Federal Republic of Yugoslavia. The mission visited various parts of Kosovo (see map), and interviewed a number of local citizens of different ethnic backgrounds. The head of the mission held consultations with senior OSCE and Kosovo Verification Mission officials.

41. So far, the Secretariat's capability to assess developments on the ground has been limited mainly to the humanitarian and human rights situation. Information in these areas has effectively been provided on a regular basis by UNHCR in its capacity as lead agency, and OHCHR, which has contributed to the Secretary-General's monthly reports prepared pursuant to resolution 1160 (1998). The Office of the High Commissioner for Human Rights, through the Special Rapporteur, has a separate mandate to report to the General Assembly and the Commission on Human Rights on human rights violations in the former Yugoslavia. Although the United Nations liaison office in Belgrade informs the Secretariat on political and military developments in the Federal Republic of Yugoslavia, including in Kosovo, it does not have a mandate to report to the Security Council on these issues, nor does it have a presence in Kosovo. It thus does not have the capacity to provide to the Council consistent, comprehensive first-hand information on the situation on the ground. Meanwhile, OSCE and NATO confirmed to the United Nations mission their preparedness to report to the Security Council on the situation in Kosovo in accordance with their newly approved mandates. Having explored various modalities for providing the Council with first-hand information on the situation in Kosovo, Mr. de Mistura prepared several alternatives for my consideration.

42. In doing so, he has taken into account that UNHCR, as the lead humanitarian agency in the region, has enhanced its coordinating role with arrangements to encompass other humanitarian partners operating in Kosovo and the increasing number of international and national non-governmental organizations represented on the ground. Weekly meetings chaired by UNHCR are held to coordinate the

provision of assistance and to avoid the duplication of activities between partners. UNHCR also has good working relations with federal and local authorities. Effective coordination arrangements are thus in place to ensure comprehensive reporting on the humanitarian situation. The activities of the Office of the High Commissioner for Human Rights in the Federal Republic of Yugoslavia, in particular in Kosovo, are to be strengthened in the fields of monitoring, training and capacity-building, by increasing the number of Office personnel in the field. The memorandum of understanding between OHCHR and the Government of the Federal Republic of Yugoslavia was concluded on 9 November 1998.

43. It is self-evident that OSCE, with 2,000 Kosovo Verification Mission monitors due to be deployed on the ground, is becoming the lead political organization dealing with the Kosovo crisis. The principal task of the Mission will be to monitor compliance with Security Council resolution 1199 (1998). The Mission will not enforce compliance, nor will it respond to local disturbances, react to hostilities or enforce access by relief organizations.

44. Pending the establishment of the OSCE Kosovo Verification Mission, United Nations agencies, through the UNHCR liaison office with the Kosovo Diplomatic Observer Mission in Pristina, will continue to cooperate with the Kosovo Diplomatic Observer Mission, which is expected in the transitional period to start acting as the Kosovo Verification Mission and eventually to be absorbed by it. Initial consultations by Mr. de Mistura with the head of the Kosovo Verification Mission, William Walker, and with the pre-deployment logistical team for the Mission, as well as with OSCE Secretary-General Giancarlo Aragona and the central planning team of the Mission, reflected a strong desire on the part of both organizations to ensure that there is early agreement on coordination issues, in order to avoid the danger of overlapping or any misconception of the roles of each organization, and to ensure the optimal use of the international community's resources.

45. To this end, it is envisaged that the United Nations role in Kosovo will focus on humanitarian and human rights issues and UNHCR is thus expected to remain the lead agency in the humanitarian field and OHCHR in the field of human rights. In order to facilitate coordination between the Kosovo Verification Mission and UNHCR on the ground, UNHCR has established close liaison with OSCE in Vienna, and with the Kosovo Verification Mission advance party in the field. The Office for the Coordination of Humanitarian Affairs is also expected to establish a presence in Pristina, under the UNHCR umbrella, to assist in coordination efforts and longer-term reconstruction/post-conflict development plans in Kosovo. For its part, OHCHR is planning to open a sub-office in Pristina and, with the Kosovo Verification Mission and UNHCR, will establish an effective system of information sharing on cases of human rights violations in Kosovo. While liaison with NATO is expected to be maintained primarily through the NATO liaison office at United Nations Headquarters, it is anticipated that coordination on the ground will be established in Pristina.

VI. OBSERVATIONS AND RECOMMENDATIONS

46. I welcome the accord reached by the President of the Federal Republic of Yugoslavia and the United States Special Envoy on 13 October 1998 and the agreements of 15 October between the Federal Republic of Yugoslavia and NATO and of 16 October between the Federal Republic of Yugoslavia and the OSCE. I believe the establishment of the Kosovo Verification Mission can contribute to the peaceful settlement of the Kosovo crisis, and I call upon all parties concerned to cooperate with the mission. For its part, the United Nations will continue its humanitarian and human rights activities and will support the efforts of the Kosovo Verification Mission, regional organizations and individual Member States aimed at restoring peace and stability to the region. The complexity and the scope of tasks in Kosovo require coordinated and concerted efforts by all organisations on the ground. All United Nations agencies operating there will establish their lines of communication with the Kosovo Verification Mission to this end. Moreover, the United Nations is prepared to provide assistance to the Mission operation through the United Nations Logistics Base at Brindisi and the United Nations Staff College in Turin.

47. I also welcome the efforts of Christopher Hill of the United States of America, supported by European Union Envoy Wolfgang Petrisch of Austria, in promoting a political dialogue between the Serbian authorities and the representatives of the Albanian community in Kosovo and I call on all parties to cooperate with them in their endeavours.

48. While welcoming reports of the withdrawal of Government forces in Kosovo to agreed levels, I urge all the parties concerned to honour their commitments and to comply fully with the Security Council resolutions. In this regard, reports of the return of Kosovo Albanian paramilitary units to positions vacated by Government forces and particularly by their continued attacks against security forces and civilians are disturbing. This situation makes it all the more urgent that early deployment of Kosovo Verification Mission monitors take place, with a 24-hour presence in order to restore stability and confidence and to enable continuous verification of events on the ground.

49. I am also disturbed by the denial of cooperation on the part of the Government of the Federal Republic of Yugoslavia with the International Tribunal for the Former Yugoslavia. I urge the authorities of the Federal Republic of Yugoslavia to comply with the demands of the international community including, inter alia, paragraph 14 of Security Council resolution 1203 (1998).

50. Despite the beginning of the mass return of internally displaced persons to their homes, the situation on the ground indicates that their needs must be further addressed at the international, regional and local levels. In this connection, the effective and well-established coordinating role played by UNHCR as the lead agency for humanitarian activities in Kosovo should be maintained and reflected in a formal agreement with OSCE. The coordinating role of UNHCR will be further reinforced by the larger involvement of the Office for the Coordination of Humanitarian Affairs in facilitation of coordination efforts and longer-term reconstruction and post-conflict development plans in Kosovo. More

attention will also need to be paid to the humanitarian needs of refugees in Montenegro, as well as to those of the half a million refugees in Serbia.

51. Given the fact that legitimate personal security fears were the overriding obstacle to the return of internally displaced persons, political action to ensure real security to the people is a requisite for any solution to the humanitarian crisis. Such a process would be facilitated if the authorities of the Federal Republic of Yugoslavia were to extend guarantees to all returning civilians so as to avoid the blanket interrogation of male internally displaced persons. The issuance of appropriate amnesty legislation to permit this to happen would be crucial in this regard. Likewise, Kosovo Albanian paramilitary units must stop any armed actions to provoke the Federal Republic of Yugoslavia security forces and must put an immediate end to abductions and other violent activities.

52. The persistent fear expressed about returnees' security highlights the need to actively monitor the activities of and to train local police forces, particularly in the area of human rights. Unless this issue is addressed on an urgent basis, the return process will be seriously undermined by a lack of confidence in the ability or the desire of the local police to protect returnees. If requested and deemed appropriate, the United Nations Civilian Police Unit would be prepared to provide advice in this area. The Office of the High Commissioner for Human Rights will provide existing manuals and other training resources on the subject.

53. The establishment of a United Nations human rights sub-office in Kosovo will allow OHCHR to perform its expanded monitoring and promotional tasks in close cooperation with the Kosovo Verification Mission and UNHCR and other international and national institutions and organizations. Early, effective and coordinated action in cases of human rights abuses will be critical in building confidence for the return of refugees and displaced persons.

54. It is necessary to establish a capability to initiate a comprehensive and integrated mine action plan, including mine awareness, education, information, mine-marking and mine clearance. The United Nations Mine Action Centre will study the possibility of providing assistance in this area.

55. The immediate crisis in Kosovo should not overshadow the necessity to assess the medium-term rehabilitation and reconstruction needs of the Federal Republic of Yugoslavia. As conditions allow, the World Bank, the United Nations Development Programme and bilateral donors should play a major role in this process, particularly in post-conflict projects in Kosovo.

56. With regard to the issue of a first-hand capability to assess the situation on the ground (see sect. V above), it is recalled that subsequent to its request to me, the Security Council endorsed the establishment of the Kosovo Verification Mission by OSCE. Under the 16 October agreement between the Federal Republic of Yugoslavia and OSCE, the Kosovo Verification Mission has been assigned, inter alia, the responsibility of reporting to the Council. In my view, this should subsume the reporting on the situation in Kosovo from a political perspective, a function that the Secretariat has been carrying out with considerable difficulty, for lack of an independent presence on the ground

in the past few months. It is quite obvious that any need that might have existed for such a presence has been superseded by the decision to establish the Kosovo Verification Mission. Taking this into account and having considered the options presented by Mr. de Mistura, I have decided against recommending a United Nations political presence in Kosovo, thus avoiding parallel reporting channels that might lead to confusion and overlapping in the field, as well as unnecessary financial expenditure. I consider it important at this stage, therefore, to develop clear channels of communication between the United Nations and OSCE on this issue. If necessary, short-term missions could be sent to the region to look into specific aspects at the Council's request. Should the future situation require an expanded United Nations presence on the ground, the Council could revert to this issue at a later stage.

57. In its resolution 1203 (1998), the Security Council requested me, in consultation with the parties concerned with the agreements signed in Belgrade on 16 October 1998 between the Federal Republic of Yugoslavia and OSCE, and on 15 October 1998 between the Federal Republic of Yugoslavia and NATO, to report regularly to the Council regarding implementation of that resolution. The agreement between the Federal Republic of Yugoslavia and OSCE, however, indicates that the latter will report directly to the Council. I suggest that OSCE and NATO report to the Council through me (as do the Stabilization Force and the Office of the High Representative), while I would continue to report to the Council on the humanitarian and human rights situation in Kosovo. As to the frequency of these reports, this should be determined in consultation with the Kosovo Verification Mission and NATO. It is my opinion, however, that under the present circumstances and in view of the stability achieved on the ground, quarterly reports would suffice, unless otherwise requested by the Council or necessitated by events in the area.

Annex I

Information on the situation in Kosovo and measures taken by the Organization for Security and Cooperation in Europe, submitted pursuant to paragraphs 13 and 16 of Security Council resolution 1160 (1998)

(September/October 1998)

General situation

1. The period since the previous report of 21 September 1998 has been characterized by relative calm, with sporadic fighting throughout Kosovo and specific operations launched by Yugoslav security forces in several locations. Burning and looting of houses, destruction of property and shelling of villages continued, especially in the Djakovica and Prizren areas.

2. By the end of September, for the first time since the conflict erupted, Serb security forces launched operations not only in central Kosovo and along the border to Albania, but also in an area north of Pristina, between Mitrovica and Podujevo, the so-called Shala region (triangle between Kosovska Mitrovica, Podujevo and Vučitrn), causing the displacement of numerous persons, who moved to Vučitrn and Pristina. This operation was later extended to several villages along the foot of the Čičavica mountain (the edge of the Drenica region).

3. During the second week of October, armed forces of the Federal Republic of Yugoslavia were observed redeploying personnel and equipment away from some of the larger Kosovo towns to locations near the border.

4. Despite announcements by both the Serbian Government and the Kosovo Liberation Army (KLA), declaring their readiness to show "self-restraint" in response to a call from the Security Council last month, cases of fighting, as well as destruction of property, continue to be reported.

Monitoring activities in Kosovo

5. The Kosovo Diplomatic Observer Mission continued its activity in the province, monitoring the situation and compliance with Security Council resolutions 1160 (1998) and 1199 (1998).

6. At the beginning of October, the most noticeable response to international demands was the partial withdrawal of units, in particular those of the Yugoslav army. The security forces behaved in a more discrete fashion, but with still noticeable presence. Observers deemed this presence necessary given the likelihood that KLA, emboldened by the circumstances, could take advantage of the depleted security arrangements.

The situation of the civilian population

7. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), the continued crackdown by the Serbian police and military

against KLA strongholds has forced an estimated 300,000 people to flee their homes. Out of these, 200,000 are displaced within Kosovo and an estimated 50,000 internally displaced persons still remain in the open. Fear is still a major factor inhibiting their return and an additional concern is the destruction of housing, which raises the question of what they can return to.

8. Generally, the conflict has continued to cause more displaced persons and refugees than returnees. In addition, internally displaced Kosovars have experienced increasing difficulties in entering Montenegro from Serbia.

Influx of refugees

9. As at 13 October, UNHCR was reporting a total of 20,500 refugees in Albania, out of which 7,000 remain in the Tropoje district. During the reporting period, the major flow of refugees entering Albania came from Montenegro, as crossing the border with the Federal Republic of Yugoslavia Province of Kosovo became more hazardous for refugees.

10. A critical juncture was reached during the second half of September, when a sudden large influx of more than 4,500 Kosovar refugees expelled from Montenegro were driven by Montenegrin authorities to the border crossing point of Bashkim, in the remote northern valley of Vermosh, from which the refugees tried to make their way to Shkodra. Most of them came from the Decane area, reflecting the ongoing fighting there. The refugees found a much deteriorated security situation, suffering several ambushes, which only added to the very difficult conditions of the roads.

11. At other parts of the border between Albania and the Federal Republic of Yugoslavia, refugees continued to enter Albania, although in smaller numbers than before, since the first snows in mountainous areas created additional difficulties for those trying to cross the border. During the first week of October, limited numbers of refugees continued to enter Albania through the Has district and via Shkodra lake. UNHCR has estimated that some 3,000 remain in the Tropoje district and around 900 in the Kukes/Has district.

Spillover potential of the Kosovo conflict

12. The missions of the Organization for Security and Cooperation in Europe (OSCE) in Tirana, Skopje and Sarajevo were instructed to follow closely the spillover potential of the Kosovo conflict.

13. The refugee situation in Albania during the reporting period became even gloomier following the influx in the north, making it very difficult for the Albanian authorities to handle. UNHCR expressed its readiness to declare a humanitarian state of emergency if the authorities were unable to provide sufficient accommodation.

14. The problem of refugees in Albania acquired much wider political dimensions because it appeared impossible to hold all the refugees in the north-east. Of the perhaps 25,000 refugees that have crossed into Albania, many have moved abroad, and significant numbers have taken refuge in Tirana and Durres. A few of this latter group will be persuaded to move to collective accommodation.

15. Enforcement of law and order in the north-east of Albania remained extremely weak and very much depended on family ties, giving the international community continued cause for concern. The unpredictable security situation, along with deteriorating weather conditions, caused most international agencies to abandon the area.

16. In Shkodra, despite high tension connected to events in Tirana, the situation remained relatively calm during the reporting period, although the local police apparently teamed up with ex-police related to the Democratic Party. In Bajram Curri, ongoing lawlessness resulted in the heavy looting of the UNHCR warehouse, and most humanitarian agencies working in the area decided either to cease activities in the region or severely cut back on their operations.

17. As regards border incidents, by the end of September, a serious clash took place near the Morina border post, as about 30 soldiers of the Federal Republic of Yugoslavia opened fire on Albanian territory after a truck of the Federal Republic of Yugoslavia struck a mine believed to have been laid by KLA. This incident was followed by the shelling of the Albanian village of Padesh from the Federal Republic of Yugoslavia. By mid-October it was reported that units of the Federal Republic of Yugoslavia in the areas bordering Albania were reinforced far beyond normal staffing just before threats of air strikes by the North Atlantic Treaty Organization (NATO).

18. During the first week of October, an increase in KLA activities in the Has and Tropoje districts was observed, with KLA moving openly in some border areas. Internationals observed what appeared to be a training facility in Babine and a KLA logistics base at Papaj. The Padesh plateau and the town of Tropoje, both former strongholds of KLA, are virtually empty of irregular fighters.

19. The political crisis in Albania in mid-September, which deteriorated into a situation of violence, with shooting and looting of official buildings and private property in Tirana, did not help to enhance the already weak State presence in northern Albania and thus the control by Albanian authorities of the border with the Federal Republic of Yugoslavia.

20. Prime Minister Nano received considerable criticism from all political parties concerning a declaration he made in Lisbon in early September, a few days before his resignation, calling for a Kosovo within a democratic Yugoslav Federation.

21. It remains clear that an unresolved Kosovo problem will continue to link Albania to the crisis in the Yugoslav province and that an unstable Albania, used as a base or housing numbers of disenchanted former fighters, will only add to the difficulties of finding a long-term solution. Therefore, initiatives like the Friends of Albania Group serve as stabilization, not only in Albania, but in the region as a whole.

22. In the former Yugoslav Republic of Macedonia, the situation at the northern border remained calm during the first half of October, without substantive incidents and with all border crossings open and functioning normally. There have been no significant incidents; illegal crossings and smuggling have been

less than at any time since independence, attributable in large part to the presence of Yugoslav security forces on the northern side of the border and the increased risks of illegal crossing during the Kosovo crisis. On the western border with Albania there has been no substantive change in the pattern of activity. Periodic incidents continue to occur of attempted illegal entry, sometimes armed, of small groups from Albania. These groups sometimes engage security forces of the former Yugoslav Republic of Macedonia, and are sometimes fired upon.

23. According to UNHCR there are 3,000 people in the former Yugoslav Republic of Macedonia whose presence is directly linked to the conflict in Kosovo.

24. The potential risks of spillover from Kosovo to the former Yugoslav Republic of Macedonia seem to be dividing public opinion along ethnic lines as the ethnic population of the former Yugoslav Republic of Macedonia fears the consequences of military action and an implicit endorsement of such action by many in the ethnic Albanian community. The leader of the principal political party representing the Serb minority, the Democratic Party of Serbs in the former Yugoslav Republic of Macedonia, warned that an attack on Serbia would be interpreted as an attack on Serbs generally. Still, during the parliamentary election campaign, Kosovo was not a major issue, attracting minimal public comment.

25. By the second week of October, an estimated 7,800 refugees from Kosovo had settled in Bosnia and Herzegovina, the great majority of whom have come to the Sarajevo area. The peak rate of this inflow came in mid-September (approximately 800 weekly arrivals) and it has declined rapidly since. Almost all the refugees are Muslim, ethnic Albanians; only a handful of Serb refugees from Kosovo have been reported. Limited preparations have been made to provide refugee camps. Only three are currently operational, and another three are planned. Some 1,000 are sheltered at a Coca Cola plant in the Sarajevo suburb of Hadzici, while the other two camps house around 100 each. The remaining refugees have dispersed throughout Bosnia and Herzegovina finding shelter most often through the hospitality of relatives.

26. Though no specific incidents have been reported, OSCE field staff have noticed a "domino effect" on the general level of reconciliation in those areas experiencing inflows of refugees from Kosovo. In areas already struggling with return issues, the additional presence of refugees from Kosovo has added tension. In those areas, other returnees regard the new arrivals from Kosovo as competitors for precious available accommodations.

Measures taken by the Organization for Security and Cooperation in Europe

27. On 6 October, the Minister for Foreign Affairs of the Republic of Yugoslavia, Zivadin Jovanović, sent a letter to the OSCE Chairman-in-Office, Polish Foreign Minister Bronislav Geremek, inviting OSCE "to witness first-hand the positive evolution of the most crucial processes in Kosovo and Metohija". In a press release issued the following day, the Chairman-in-Office emphasized that the best conditions for accepting this invitation would appear when the Federal Republic of Yugoslavia satisfied the requirements contained in decision No. 218 of the OSCE Permanent Council, as well as Security Council resolutions

1160 (1998) and 1199 (1998). He underlined that it was up to the Federal Republic of Yugoslavia, through full compliance with the terms of the above-mentioned documents, to enable OSCE to make its contribution to the resolution of the crisis over Kosovo.

28. On 15 October 1998, the OSCE Permanent Council, recalling paragraph 1 of its decision No. 218 and the statement of the Chairman-in-Office of 7 October 1998 confirming the long-standing readiness of OSCE to give its contribution to the peaceful solution of the crisis in Kosovo, adopted decision No. 259 supporting the efforts of the Chairman-in-Office to arrange with the authorities of the Federal Republic of Yugoslavia for OSCE to make such contribution.

29. Based on arrangements reached by Richard Holbrooke, United States Special Envoy and representing also the Contact Group, and Yugoslav President Milošević, the OSCE Chairman-in-Office, and the Minister for Foreign Affairs of the Federal Republic of Yugoslavia signed an agreement on the establishment of an OSCE Kosovo Verification Mission in Belgrade on 16 October 1998.

30. The overall task of the Verification Mission will be to verify compliance by all parties in Kosovo with Security Council resolution 1199 (1998) and to report instances of progress and/or non-compliance to the OSCE Permanent Council, the Security Council and other organizations. Further, the Verification Mission will be tasked to supervise elections in Kosovo in order to ensure their openness and fairness.

31. The Verification Mission, unprecedented in size, will be composed of up to 2000 unarmed verifiers and will establish a permanent presence at as many locations throughout Kosovo as it deems necessary to fulfil its responsibilities. The current Kosovo Diplomatic Observer Mission will act in place of the OSCE Verification Mission pending its establishment, and will subsequently be absorbed by the new Mission.

32. During the talks on 16 October in Belgrade, the Minister for Foreign Affairs of the Federal Republic of Yugoslavia made a number of promises to the effect that the Federal Government would do its best to implement the agreement and expressed hope that the Verification Mission would contribute to assessing the situation "in an objective, truthful and unbiased manner". He also made a solemn promise to care for the security of the personnel of the Verification Mission in accordance with the Vienna Conventions. He confirmed that the Verification Mission would have all possibilities of movement and access to desired information on the ground.

33. On the same day, the OSCE Chairman-in-Office met in Pristina with Ibrahim Rugova. The leader of the Albanian community in Kosovo expressed the view that the agreement signed in Belgrade contained many weak points that could cause disappointment in the Albanian community. He also voiced disappointment that no representatives of the Albanian community from Kosovo had been a party to the negotiations.

34. In spite of these critical moments, Mr. Rugova welcomed the agreement and unequivocally expressed the view that the Albanian community in Kosovo would

cooperate with the Verification Mission. He sees this act as an important step towards enlarging the international presence in Kosovo, which should facilitate negotiations for a political solution to the crisis, recognition of the Albanian community institutions, including local police, and deciding over the future of Kosovo.

35. The agreement on the OSCE Kosovo Verification Mission and the agreement on the NATO-Kosovo air verification regime, signed on 15 October in Belgrade, are aimed at supporting international efforts to solve the crisis in Kosovo and constitute an important step towards development of a political framework to ensure compliance with the demands set out in Security Council resolution 1199 (1998). The agreements highlight the verification of compliance with the said resolution, as stipulated in paragraph 16 thereof.

36. Once this important political support is secured, the OSCE Chairman-in-Office would be ready to begin immediately deployment of the Verification Mission on the ground. It has already been decided to dispatch to the Federal Republic of Yugoslavia a small OSCE technical advance mission to start preparation of the operation, the scope of which goes beyond previous OSCE experience. Consequently, the 13-member OSCE technical advance mission arrived on 17 October in Belgrade and started talks with the authorities of the Federal Republic of Yugoslavia regarding the preparations for establishing the OSCE Kosovo Verification Mission. On 18 October, the OSCE technical advance mission arrived in Pristina to assess conditions for deployment of the Verification Mission.

37. Acting as OSCE Chairman-in-Office, Mr. Geremek decided to appoint William Graham Walker as Head of the OSCE Kosovo Verification Mission, effective 17 October 1998. Mr. Walker has recently served as Special Representative of the Secretary-General as Transitional Administrator for the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES), in Croatia.

38. On 17 October, the OSCE Chairman-in-Office sent a letter to the Secretary-General informing him of the signing of the agreement with the authorities of the Federal Republic of Yugoslavia and expressing his hope that the agreements would be acknowledged and supported by the Security Council in an appropriate resolution in order to make these acts effective and to ensure the safety and security of international verifiers.

39. The OSCE Chairman-in-Office and the OSCE Representative of the Freedom of the Media, Helmut Duve, have on several occasions expressed their concern over the treatment of foreign journalists, as well as domestic, independent media, by the authorities of the Federal Republic of Yugoslavia. In a press release issued on 16 October, Mr. Duve called upon the Belgrade Government to stop repression of the media. Reacting to a government decree leading to the closure of Nasa Borba, a leading independent newspaper, the previous day, he noted that "a free media is one of the elements that will ensure the success of the difficult task of bringing peace to Kosovo".

Annex II

Letter dated 27 October 1998 from the Secretary-General of the North Atlantic Treaty Organization addressed to the Secretary-General

Thank you for your letter of 21 October, in which you apprised me of United Nations efforts with regard to the crisis in Kosovo.

Further to my letter of 22 October, I am writing to inform you that the North Atlantic Council today decided to maintain the activation order for the limited air response on the understanding that execution would be subject to a further Council decision and assessments that the Federal Republic of Yugoslavia was not in substantial compliance with Security Council resolution 1199 (1998). The Council also decided to continue the present air activities as part of the phased air campaign.

This decision was reached by the North Atlantic Treaty Organization (NATO) after a thorough assessment by NATO of the level of compliance by the Federal Republic of Yugoslavia with the provisions of Security Council resolution 1199 (1998). NATO aerial surveillance assets and the Kosovo Diplomatic Observer Mission have confirmed that Federal Republic of Yugoslavia and Serb security forces have withdrawn in substantial numbers towards pre-March levels. Also, the necessary conditions are being established for the return of refugees and displaced persons. However, NATO will continue to monitor the situation very closely.

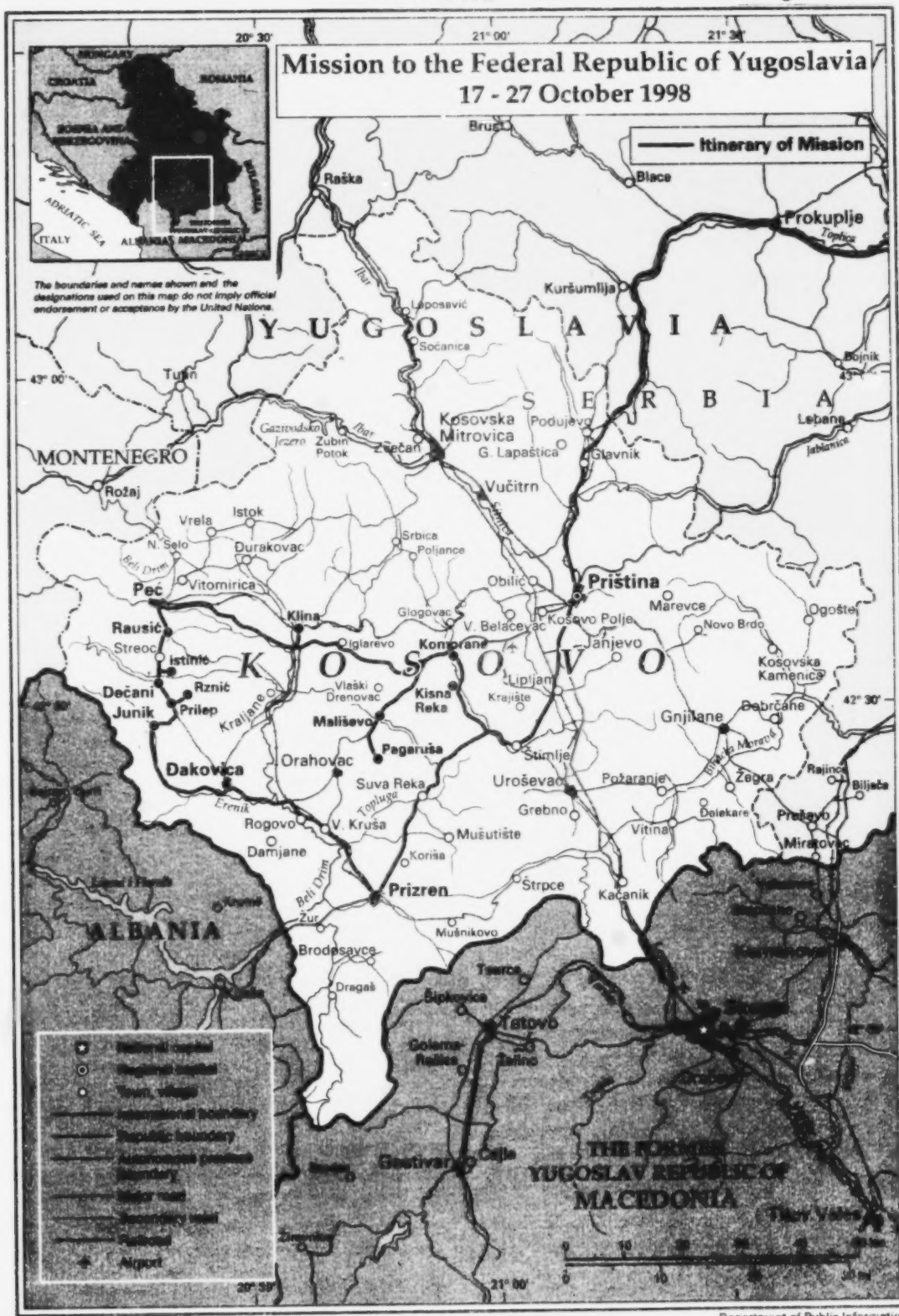
In this context, NATO welcomes the recent adoption of Security Council resolution 1203 (1998), which, inter alia, endorses and supports the verification agreements signed between the Federal Republic of Yugoslavia and NATO and OSCE, respectively. We are continuing our work to ensure close coordination between NATO and OSCE and hope that both missions can be fully operational in the very near future. Our military authorities are developing planning for the possible extraction of OSCE verifiers in an emergency.

Meanwhile, NATO military authorities have begun technical discussions with some nations within the Partnership for Peace about associating the latter with the NATO air surveillance mission.

I will continue to keep you informed of further important developments.

(Signed) Javier SOLANA

ANNEX III



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